

### **Remarks/Arguments**

In the final Office Action dated September 1, 2009, it is noted that claims 1-11 are pending; that claims 1-11 have been rejected on the grounds of nonstatutory obviousness-type double patenting; and that claims 1-11 stand rejected under 35 U.S.C. §103.

By this response claims 1, 5, 9 and 11 have been amended, and claims 12, 13, 14 and 15 have been added. The amendments to the claims and the new claims are proper, justified and supported by the specification and claims, as originally filed. No new matter has been added.

### ***Cited Art***

The following references have been cited and applied against the claims in the present Office Action: U.S. Patent 6,556,576 to Du, et al. (hereinafter “*Du I*”); U.S. Patent 7,457,298 to Du et al. (hereinafter “*Du II*”); U.S. Patent 6,816,502 to Ekl, et al. (hereinafter “*Ekl*”); U.S. Patent 6,259,898 to Lewis (hereinafter “*Lewis*”); U.S. Patent Application Publication No. 2005/0157745 to Fujii, et al. (hereinafter “*Fujii*”); and “Applicant’s Admitted Prior Art” allegedly identified in the present Office Action as being from page 12, lines 2-10 of the specification (hereinafter referenced as “*APA*”).

### ***Rejection of Claims 1-2, 5-6, and 9-11 under 35 U.S.C. §103***

Claims 1-2, 5-6, and 9-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ekl in view of Lewis. This rejection is respectfully traversed.

Claims 5, 9, and 11 include at least a substantially similar feature to the feature “signaling the switching operation and unavailability of the bridge terminal by means of a power saving signals of the communication network,” recited in independent claim 1. Although each independent claim must be interpreted by its own specific language, in view of this similarity the following remarks will be focused on claim 1 and will be understood to also pertain to independent claims 5, 9, and 11 without further repetition.

In the response to arguments on page 15 of the Office action, it is stated that Lewis discloses a beacon signal that indicates the availability of the access point, and further modifies the beacon to indicate that the access point is not available. The Office action concludes that the modified beacon signal can be interpreted as a power saving signal that is sent to indicate the unavailability of the bridge terminal, as recited by the claims. Applicant respectfully disagrees.

Lewis clearly teaches a registration process to an access point (AP) that includes primary and secondary transceivers (36a, 36b) and a processor (30). The primary transceiver (36a) periodically broadcasts a beacon to indicate whether the registration is possible. A mobile terminal (21) desiring to register will receive such beacon and respond in a conventional manner. Lewis further describes that the primary transceiver (36a) reaches a predefined limit number of registered mobile terminals, the processor (30) instructs the transceiver (36a) to modify the beacon such that registrations are not possible. In its place, the processor (30) causes the transceiver (36b) to broadcast a periodic beacon to indicate registration availability in order that mobile terminals may register via the secondary transceiver (36b). *See Lewis at col. 6 lines 48-58.*

Therefore, the process of modifying the beacon and/or the modified beacon itself clearly cannot be interpreted as the claimed feature of signaling the switching operation and the unavailability of the bridge terminal by means of a power saving signal of the communication network. The beacon is not a power saving signal of the communication network, but rather a signal generated by the access point to indicate whether a registration request can be accepted from mobile networks. In addition, the beacon indicates that only one transceiver is not available for registration, but at the same time the other transceiver can accept registration requests from mobile terminals. That is, the access point is always available to all mobile terminals in the network. In direct contrast, the bridge terminal, recited in the claims, is available only either to a first subnet or a second subnet at a time. Therefore, the beacon, as disclosed by Lewis, does not signal the switching operation between subsets and further does not signal the unavailability for the first subnet when operating in the second subnet, as claimed by the Applicant.

In light of these remarks, it is believed that independent claims 1, 5, 9, and 11 and the claims dependent thereon would not have been obvious to a person of ordinary skill in the art upon a reading of Ekl and Lewis, either separately or in combination. Thus, it is submitted that claims 1-2, 5-6, and 9-11 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

#### ***Rejection of Claims 3 and 7 under 35 U.S.C. §103***

Claims 3 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ekl and Lewis further in view of Fujii. This rejection is respectfully traversed.

According to the provisions of MPEP 2141.01, a 35 U.S.C. 103 rejection is based on 35 U.S.C. 102 depending on the type of prior art reference used and its publication or issue date. It is respectfully submitted that Fujii is improper reference under 35 U.S.C. 103(a). The earliest effective filing date of the present Application is April 9, 2003. Fujii was filed as a PCT application (PCT/JP03/02276) on February 27, 2003. The PCT application, PCT/JP03/02276, was published in Japanese. According to the provisions of 35 USC 102(e) only the US filing date or the US publication date of Fujii can be qualified as a prior art date. The US filing date of Fujii is August 19, 2004. Based on the earliest filing date of the present Application and the US filing date of Fujii, the rejection cannot be anchored in any paragraph of 35 U.S.C. 102. Therefore, it is respectfully submitted that the rejection is improper and should be vacated.

***Rejection of Claims 4 and 8 under 35 U.S.C. §103***

Claims 4 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ekl and Lewis further in view of APA. This rejection is respectfully traversed.

Claim 4 depends directly from claim 1 and claim 8 depends directly from claim 5. The patentable distinctions between the independent claims and the combination of Ekl and Lewis have been discussed above and will not be repeated herein. Because of the dependency of claim 4 from claim 1 and claim 8 from claim 5, Applicants essentially repeat the remarks for claims 1 and 5 over Ekl and Lewis for each of dependent claims 4 and 8.

APA has been added to the combination of Ekl and Lewis because the latter references are said to lack any disclosure of the limitation that “a content of missed beacon signals is reported by the bridge terminal by means of a probe/probe signalling,” as defined in claims 4 and 8. *See Office Action at page 15.* APA does not cure the deficiencies in Ekl and Lewis discussed above with respect to the independent base claims. Therefore, the combination of Ekl with APA does not teach, show, or suggest all the elements in claim 4, which is dependent from claim 1, and claim 8, which is dependent from claim 5.

In light of these remarks and the patentable distinctions discussed above with respect to the independent claims, it is believed that claims 4 and 8 would not have been obvious to a person of ordinary skill in the art upon a reading of Ekl, Lewis, and the APA, either separately or in combination. Thus, it is submitted that claims 4 and 8 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

### **New Claims 12-15**

New Claim 12 depends directly from claim 1, new claim 13 depends directly from claim 5, new claim 14 depends directly from claim 9, and new claim 15 depends directly from claim 11. Claims 12-15 have been added to claim the feature of “wherein a presence time of the bridge terminal in each of the subnets is set to a mean presence time, the presence time is equal for both the first subnet and the second subnet, thereby avoiding delays in data transmission.” It is respectfully submitted that neither Ekl nor Lewis discloses this feature. Specifically, Lewis appears to provide an access point in which the transceiver is capable of operating at two different frequencies/channels. Lewis clearly states that dual frequency operation occurs simultaneously on non-interfering frequency channels. *See Lewis at col. 5, lines 26-52 and col. 6, lines 60-64.*

Ekl appears to teach an access point that communicates with the first set of users during a first time period and communicates with the second set of users during a second time period, wherein the first time period and the second time period are exclusive of each other. *See Elk abstract.* Ekl is silence with regard to the duration of the time periods and particularly as whether the time periods are set to a mean presence time.

### ***Double Patenting Rejection of Claims 1-11***

Claims 1-11 stand rejected based on the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over Du I in view of Lewis. Claims 1-11 stand rejected based on the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over Du II in view of Lewis. Both of these rejections are respectfully traversed.

The patentable distinctions between the independent claims and Lewis have been discussed above and will not be repeated herein. Applicants essentially repeat the remarks above for the independent claims over Lewis.

Both Du I and Du II appear to be assigned in common to the assignee of the present application. The present Office Action notes the deficiencies in the teachings of Du I and Du II, which deficiencies Applicants neither acquiesce to nor agree with herein. Lewis was added to Du I and Du II to cure the noted deficiencies, especially with respect to “signalling the

unavailability of the bridge terminal by means of a power saving signal of the communication network,” as defined in amended claim 1, for example. As already noted above, Lewis lacks any teaching about using a power saving signal or about signaling the switching and unavailability of the bridge terminal. So, even if it were proper to combine Lewis and either of the Du patents, an assumption with which Applicants neither acquiesce nor agree, the resulting combination of Du I and Lewis or Du II and Lewis would still not teach, show, or suggest all the limitations of claim 1 and the other independent claims, whose limitations are similar to those discussed above for claim 1.

In light of these remarks and the patentable distinctions discussed above with respect to the independent claims, it is believed that claims 1-11 would not have been obvious to a person of ordinary skill in the art upon a reading of Du I, Du II, and Lewis, either separately or in combination. Thus, it is submitted that claims 1-11 are allowable under judicially created doctrine of nonstatutory obviousness-type double patenting. Withdrawal of these rejections is respectfully requested.

***Conclusion***

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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